

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEMS PRODUCTS LIABILITY
LITIGATION

Master File No. 2:12-MD-02327
MDL 2327

ETHICON WAVE 10 CASES LISTED IN
EXHIBIT A

JOSEPH R. GOODWIN U.S. DISTRICT
JUDGE

**DEFENDANTS' NOTICE OF ADOPTION OF PRIOR DAUBERT MOTIONS AND
REPLY BRIEFINGS OF RALPH ZIPPER, M.D. FOR WAVE 10**

Come now Defendants and hereby move to exclude certain general opinions of one of Plaintiffs' experts, Dr. Ralph Zipper. Defendants adopt and incorporate by reference the *Daubert* motion filed against Dr. Zipper for Ethicon Wave 1, Dkt. Nos. 2068 (motion), 2072 (memorandum in support), and supporting Reply brief, Dkt. 2221. Defendants also adopt and incorporate by reference the *Daubert* motion filed against Dr. Zipper for Ethicon Wave 6, Dkt. Nos. 5076 (motion), 5077 (memorandum in support), and supporting Reply brief, Dkt. 5178. Defendants also adopt and incorporate by reference the Court's Wave 1 ruling with respect to Dr. Zipper. *See* Order, Dkt.. No. 2717; *see also* Dkt. 2418 (Notice of Adoption for Wave 2 Order), 3299 (Notice of Adoption for Wave 3 Order).

Ethicon respectfully requests that the Court exclude Dr. Zipper's testimony, for the

reasons expressed in the Wave 1 and Wave 6 briefings. This notice applies to the Wave 10 cases identified in Exhibit A attached hereto.

Respectfully submitted,

/s/ William M. Gage

William M. Gage (MS Bar #8691)

Butler Snow LLP

1020 Highland Colony Parkway

Suite 1400 (39157)

P.O. Box 6010

Ridgeland, MS 39158-6010

(601) 985-4561

william.gage@butlersnow.com

/s/ Susan M. Robinson

Susan M. Robinson (W. Va. Bar #5169)

Thomas Combs & Spann PLLC

300 Summers Street

Suite 1380 (25301)

P.O. Box 3824

Charleston, WV 24338

(304) 414-1800

srobinson@tcspllc.com

COUNSEL FOR DEFENDANTS
ETHICON, INC. AND JOHNSON & JOHNSON

CERTIFICATE OF SERVICE

I certify that on this date I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage

William M. Gage

EXHIBIT A

EXHIBIT A

Case Name	Case Number	Product
Pirlein, Adelheid v. Ethicon, Inc., et al.	2:12-cv-04992	Prolift Total; TVT Obturator ¹

¹ Dr. Zipper has submitted general reports on Prolift, Prosima, and TVT-S. No Plaintiff who has designated Dr. Zipper as a general expert in Wave 10 was implanted with a Prosima or TVT-S. Those reports are therefore moot.